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Decision No. 11147

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of )  
 PACIFIC MOTOR EXPRESS for certificate )  
 of public convenience and necessity )  
 to operate a motor truck service for )  
 the transportation of milk, dairy pro- )  
 ducts and supplies only, between Los )  
 Angeles and Glen Ivy, Alberhill, )  
 Elsinore, Sedco, Wildomar, Murrieta, )  
 Murrieta Hot Springs, Temecula and )  
 Pauba Ranch, and dairies in the )  
 vicinity thereof. )

Application No. 8306

BY THE COMMISSION,

ORDER

Harry S. Payne doing business under the fictitious name of Pacific Motor Express, has applied to the Railroad Commission for a certificate of public convenience and necessity authorizing the operation of an automobile truck line as a common carrier of milk, dairy products and dairy supplies only between Los Angeles and Glen Ivy, Alberhill, Elsinore, Sedco, Wildomar, Murrieta, Murrieta Hot Springs, Temecula and Pauba Ranch and dairies in the vicinity thereof.

Under Application No. 7985 Harry S. Payne, applicant herein, and William M. Harris, as co-partners, applied for a certificate of public convenience and necessity authorizing the operation of an automobile truck line as a common carrier of express and freight between the points hereinabove mentioned. A public hearing on such proceeding was held before Examiner Westover on July 26th, 1922, at Los Angeles, California, at which time the matter was submitted.

Under Decision No. 10818 the Commission issued its decision, dated August 3, 1922, in which it found that public necessity required the operation of service as proposed for the transportation of milk, dairy products and supplies only and denied the co-partners the right to operate as a common carrier of general freight.

William M. Harris, one of the co-partners, declined to accept the certificate granted to the co-partnership. However, Harry S. Payne does desire to accept such certificate and to operate in accordance with the restrictions and provisions as therein laid down, and accordingly, has filed a separate application in his own name as an individual for a certificate authorizing him to operate automobile truck service to be confined solely to the specific commodities, as the Commission in its Decision No. 10818 found that public necessity required service for.

In view of the fact that a public hearing has heretofore been held and that very recently the Commission has found that public necessity has existed for a specified limited service over the route herein proposed to be served, we are of the opinion that the present application does not necessitate a second formal hearing and that it should be granted in accordance with the findings contained in the previous decision hereinabove mentioned.

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA  
HEREBY DECLARES that public convenience and necessity require the operation by Harry S. Payne, doing business under the fictitious name of Pacific Motor Express, of an automobile truck line as a common carrier of milk, dairy products and supplies only between Los Angeles and Glen Ivy, Alberhill, Elsinore, Sedco, Wildomar, Marrieta, Marrieta Hot Springs, Temecula and Pauba Ranch and dairies in the vicinity thereof, and a certificate of public convenience and necessity be,

and the same hereby is granted, subject to the following conditions:

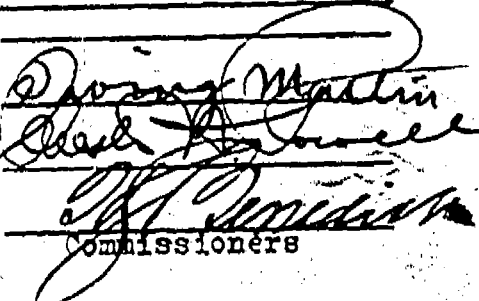
Nothing herein contained shall be construed to authorize the transportation of other classes of freight or express other than those specifically hereinabove described.

IT IS HEREBY ORDERED that applicant shall file within a period of not to exceed ten (10) days from date hereof, his written acceptance of the certificate herein granted; shall file within a period of not to exceed twenty (20) days from date hereof, tariff of rates and time schedules, such tariff of rates and time schedules to be identical with those as filed in connection with the application herein, marked Exhibits "A" and "B"; and shall commence operation of the service herein authorized within a period of not to exceed thirty (30) days from date hereof.

The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by him under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 20<sup>th</sup>  
day of October, 1922.

  
Commissioners